



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P (MD) No.14533 of 2019

C.Shanmuga Sundaram

...Petitioner

Vs.

1.The District Revenue Officer,
(Regular),
Trichirapalli.

2.The Divisional Manager,
Southern Railway,
Madurai.

3.The Special Tahsildar,
Double of Broad Gauge,
Villupuram to Dindigul,
Collectorate,
Trichirapalli.

4.The Divisional Manager,
Southern Railway,
Tiruchi Division.

5.Rail Vikas Nigam Ltd.,
(A Govt. Of India Enterprises),
Aringar Anna Maligai, Mezzanine Floor,
Thirumayillai Railway Station,
Mylapore, Chennai.

... Respondents

[R4 suo motu impleaded vide order dated 5.8.2019]

[R5 impleaded vide order dated 18.11.2019 in W.M.P.(MD).
No19875/2019]

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the respondents to pay adequate compensation to the petitioner for the purpose of acquiring petitioner's land in survey No.312/12 for an extent of 8 cents by considering the representation of the petitioner dated 8.1.2019.

For Petitioner	:	Mr.J.Anandkumar
For Respondents 1 to 3	:	Mr.M.Muniasamy Additional Government Pleader
For Respondent No.2, 4 & 5	:	Mr.S.Manohar Standing Counsel



ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to pay compensation to the petitioner for the lands acquired from the petitioner considering the representation made by the petitioner on 8.1.2019.

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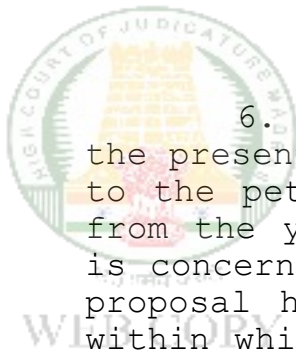
2. The case of the petitioner is that he was the owner of the subject property measuring an extent of 0.92 acres. Based on the requisition given by the railways, the acquisition proceedings were initiated under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, in the year 2013. The property was also acquired and it was handed over to the railways and it is stated that the laying of the total track for the route from Villupuram to Dindigul was also completed and is being put to use.

3. The petitioner has been running from pillar to post to get the compensation for the lands acquired from him and since the same was not paid to him, the present writ petition has been filed before this Court seeking for appropriate directions.

4. The first and third respondents have filed a counter affidavit in this case. The relevant portion in the counter affidavit is extracted hereunder:

"7. In order to acquire the said land for doubling of Broad Gauge Railway line between Villupuram and Dindigul, the Administration sanctioning order was issued in G.O.Ms.No.492 dated 8.12.2017 and the District Collector, Trichirappalli have also made the proposal regarding compensation in Na.Ka.C1/12428/2018 dated 11.6.2018 for the land acquired in several Taluks including the Manapparai Taluk where the petitioner's land is situated. Most of the land acquired in several Taluks, the compensation has been arrived and paid to the land owners. Regarding the above said petitioner's Taluk, the proposal order for the compensation to the land acquired is yet to be completed. Immediately after receiving of order from the Government the respondents herein will dispose the adequate compensation to the petitioner. Hence, there is no justifiable reason in favour of the petitioner and absolutely the writ petition is devoid of merits."

5. Heard Mr.J.Anandkumar, learned counsel appearing for the petitioner, Mr.M.Muniasamy, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.S.Manohar, learned counsel appearing for the respondents 2, 4 and 5.



6. There are no serious disputes with regard to the facts of the present case. It is a matter of fact that the property belonging to the petitioner was acquired and it has already been put to use from the year 2016 onwards. Insofar as the payment of compensation is concerned, the first respondent has taken a stand that already a proposal has been made in the year 2018 and insofar as the Taluk within which the petitioner's property was acquired, the Government is yet to pass orders and the same is awaited.

7. In the considered view of this Court, the petitioner has been deprived of his property for the last 7 years and the alacrity that was shown in acquiring the property was not shown when it came to payment of compensation. The petitioner need not stand with the begging bowl for getting the compensation and he is entitled for such a compensation as a matter of right and such a right is recognized under Article 300-A of the Constitution of India. Unfortunately, the petitioner is yet to see the colour of the coin.

8. In view of the above, there shall be a direction to the first respondent to pay the compensation to the petitioner pursuant to the representation made by the petitioner on 8.1.2019, within the period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that no further extension of time will be granted in this case and the compensation has to be paid within the time stipulated by this Court.

9. The petitioner is directed to make a fresh representation to the first respondent along with a copy of this order.

10. This writ petition is disposed of with the above direction.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Revenue Officer,
(Regular),
Trichirapalli.



2.The Divisional Manager,
Southern Railway,
Madurai.

3.The Special Tahsildar,
Double of Broad Gauge,
Villupuram to Dindigul,
Collectorate,
Trichirapalli.

+1 CC to M/s.S.MANO HAR, Advocate (SR-17596[F] dated 27/04/2021)

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-17868[F] dated 28/04/2021)

W.P (MD) No.14533 of 2019
26.04.2021

SSS (CO)
KB(10.05.2021) 4P 6C